

The City Council met in regular session at the hour of 8:32 a.m. in the Council Chamber, City Hall, on the day above written, in the Council Chamber, City Hall.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Bob Willis, Northpark Community Church, gave the invocation, and James, a District 4 student, led the Pledge of Allegiance to the Flag.

PROCLAMATION OF NEIGHBORS IN HEALTH DAY - MAYOR AUTRY

RESOLUTION OF COMMENDATION TO LUIS LEON, FAX SCHEDULER

CERTIFICATES OF COMMENDATION FOR THE CITY'S "STARTING, OWNING AND OPERATING A SMALL BUSINESS" WORKSHOP IN PARTNERSHIP WITH THE GREATER FRESNO AREA HISPANIC CHAMBER OF COMMERCE

(ADD-ON) PROCLAMATION OF DISTRICT 4 A2 LIONS DAY

RECOGNITION AWARDS TO DISTRICT 4 STUDENTS - ACTING PRESIDENT CASTILLO

The above proclamations, resolution and certificates were read and presented.

- - - -

APPROVE CITY COUNCIL MINUTES OF JULY 22, 2003

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the City Council minutes of July 22, 2003, approved as submitted.

APPROVE JOINT POWERS FINANCING AUTHORITY MINUTES OF APRIL 16, 2002, AND JUNE 25, 2002

On motion of Councilmember Duncan, seconded by President Boyajian, duly carried, RESOLVED, the JPFA minutes of April 16, 2002, and June 25, 2002, approved as submitted.

- - - -

COUNCILMEMBER REPORTS AND COMMENTS:

THANK YOU TO POLICE OFFICERS DAN LONGORRIA AND DAVID VERDUZCO AND THE POLICE DEPARTMENT FOR RESPONDING QUICKLY TO ASSIST A YOUNG LADY WHO HAD HER WHEELCHAIR RAMP STOLEN - COUNCILMEMBER DAGES

Commendation made. **142-31** **7/29/03**
DIRECT STAFF TO SCHEDULE A REPORT ON UNEMPLOYMENT ON THE AUGUST 26TH AGENDA AT 9:00 A.M. -

COUNCILMEMBER CALHOUN

Direction made.

VIDEO PRESENTATION ENTITLED "CLOUDY SKIES OVER CALIFORNIA'S CITIES" - COUNCILMEMBER CALHOUN

Councilmember Calhoun played a 6-minute video tape from the League of California Cities dealing with the State's budget crisis and encouraged Council to work with the League in their active role to stop the State from taking millions of dollars from cities.

SECURITY FOR CITY COUNCIL ON THE DAIS - COUNCILMEMBER CALHOUN

Citing the recent shooting of a New York council member Councilmember Calhoun questioned the status of installing locked electronic bars to keep people from entering the Council Chamber dais, with Assistant City Manager Souza stating there was no Council consensus on the issue and advised he would bring that matter to Council in August.

DIRECT CITY MANAGER TO CONTACT P.G. & E. TO GET INFORMATION ON THE CAUSE AND SOLUTION TO THE NUMEROUS RECENT POWER OUTAGES IN NORTHEAST FRESNO - COUNCILMEMBER DUNCAN

Direction made.

- - - -

APPROVE AGENDA:

(8:30 A.M.) ADD ON ITEM - RESOLUTION - APPROVING THE FINAL MAP OF TACT NO. 5123 AND ACCEPTING DEDICATED PUBLIC USES THEREIN; AUTHORIZE THE PUBLIC WORKS DIRECTOR, PLANNING AND DEVELOPMENT DIRECTOR, AND THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

President Boyajian announced the add-on item and scheduled it as Consent Calendar Item 1-M.

(1-C) FINDING A MINOR IRREGULARITY AND AWARD CONTRACT TO ROYAL ELECTRIC COMPANY OF SACRAMENTO, CA, FOR FRESNO YOSEMITE INTERNATIONAL AIRPORT CONSTRUCTION OF NEW AIRFIELD ELECTRICAL VAULT

Removed from the agenda by staff.

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

- - - -

ADOPT CONSENT CALENDAR:

Barbara Hunt, 2475 S. Walnut, spoke in opposition to Items **1-G, 1-H, 1-I** and **1-J** stating the police department already received a lot of money from the general fund and spoke to the grant funds and the importance of accountability.

(1-A) APPROVE APPOINTMENT OF ELIZABETH ROCHA-LEE TO THE WEST AREA COMMUNITY PLAN - PRESIDENT BOYAJIAN

(1-B) (ITEM REMOVED FROM THE AGENDA)

(1-D) DETERMINING HENDERSON CONSTRUCTION OF CLOVIS IS NON-RESPONSIVE TO THE SPECIFICATIONS AS RECOMMENDED BY THE APPEALS REVIEW PANEL IN THEIR FINDINGS AND RECOMMENDATIONS BECAUSE THEY DID NOT SUBMIT THREE REQUIRED DOCUMENTS AFTER THE BID OPENING WITHIN THE SPECIFIED TIME

1. * **RESOLUTION NO. 2003-238** - 9TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$125,000 TO FUND THE CONSTRUCTION OF A HERNDON AVENUE RIGHT TURN LANE AT NORTHBOUND VALENTINE AVENUE
2. AWARD A CONTRACT TO AMERICAN PAVING COMPANY OF FRESNO IN THE AMOUNT OF \$98,439.10 FOR THE HERNDON @ VALENTINE AVENUE RIGHT TURN LANE PROJECT

(1-E) AWARD THREE (3) ONE-YEAR NON-EXCLUSIVE CONTRACTS IN THE AMOUNT OF \$150,000 EACH FOR TEMPORARY EMPLOYMENT SERVICES WITH PROVISIONS FOR THREE ONE-YEAR EXTENSIONS TO: (1) THE PLUS GROUP INC., OF FRESNO, FOR THE CLERICAL, BLUE COLLAR, AND TECHNICAL SECTIONS; (2) 9008 GROUP D.B.A. ACT-I PERSONNEL OF TORRENCE, CA, FOR THE CLERICAL AND TECHNICAL SECTIONS; AND (3) VALLEY STAFFING, A DIVISION OF D.A.P. OF FRESNO, FOR THE CLERICAL, BLUE COLLAR AND TECHNICAL SECTIONS

(1-G) RESOLUTION NO. 2003-239 - AUTHORIZE THE ACCEPTANCE OF FY 2003-2004 GRANT FUNDS FROM THE STATE OF CALIFORNIA OFFICE OF CRIMINAL JUSTICE PLANNING

1. * **RESOLUTION NO 2003-240** - 10TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$115,000 TO CONTINUE THE IMPLEMENTATION OF THE VIOLENCE AGAINST WOMEN LAW ENFORCEMENT SPECIALIZED UNITS PROGRAM

(1-H) RESOLUTION NO. 2003-241 - AUTHORIZING ACCEPTANCE OF THE OFFICE OF CRIMINAL JUSTICE PLANNING 2003 CYCLE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT AWARD OF *(\$151,400) \$136,300

1. * **RESOLUTION NO. 2003-242** - 11TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$136,300 FOR THE POLICE DEPARTMENT'S JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT PROGRAM

* City Clerk Klisch corrected the grant amount to \$136,300 instead of \$151,400.

(1-I) ADOPT A PROFESSIONAL SERVICES AGREEMENT BETWEEN CENTRAL CALIFORNIA FACULTY MEDICAL GROUP, INC. (CCFMG) AND THE POLICE DEPARTMENT TO PROVIDE SEXUAL ASSAULT EXAMINATIONS

(1-J) * RESOLUTION NO. 2003-243 - 6TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$684,000 FOR CONTINUANCE OF THE PRE-APPROVED U.S. DEPARTMENT OF JUSTICE LOCAL LAW ENFORCEMENT BLOCK GRANTS

(1-L) APPROVE APPOINTMENT OF JON DODDS TO THE MOBILE HOME RENT REVIEW COMMISSION - MAYOR AUTRY

(1-M - ADD-ON) RESOLUTION NO. 2003-244 - APPROVING THE FINAL MAP OF TRACT NO. 5123 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED NORTH OF E. KINGS CANYON ROAD AT THE N. ARMSTRONG AVENUE ALIGNMENT (DISTRICT 5)

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY DRAINAGE FACILITIES, AND THE DEED OF AVIGATION AND HAZARD EASEMENT
2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN
3. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT TO PROVIDE SPECIAL SOLID WASTE DISPOSAL SERVICES

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

- - - -

The City Council recessed at 9:20 a.m. and convened in joint session with the Redevelopment Agency.

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF JULY 22, 2003

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the Agency minutes of July 22, 2003, approved as submitted.

(“A”) JOINT RESOLUTION NO. 2003-245 / 1636 - REQUESTING REIMBURSEMENT OF ELIGIBLE COSTS, REQUESTING TERMINATION FOR CONVENIENCE OF U.S. DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION FEDERAL ASSISTANCE AWARD AGREEMENT (EDA AWARD NO. 07-01-03809), AUTHORIZING EXECUTION OF AGREEMENT TO TERMINATE, AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

Redevelopment Administrator Murphey gave a brief overview of the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, stated this issue was out of City’s jurisdiction **(2 - 0)** and questioned why City money was being spent for infrastructure for private businesses.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Joint Resolution No. 2003-245/1636 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	None

- - - -

The joint bodies adjourned their meeting at 9:24 a.m. and the City Council reconvened in regular session.

(2-A) APPROVE PROPOSED AMENDMENT TO THE 2001-2002 ANNUAL ACTION PLAN TO CHANGE A CDBG-FUNDED COUNCIL NEIGHBORHOOD INFRASTRUCTURE PROJECT TO A FLOOD BASIN IMPROVEMENT PROJECT IN COUNCIL DISTRICT 3

Councilmember Sterling and HCD Management Analyst Smith spoke to the background of the issue and gave an overview of the basin project as contained in the staff report as submitted, and Ms. Smith responded briefly to questions of President Boyajian.

Speaking to the issue were: Jerry Kennedy, Adams Neighborhood Association, who urged support; and Barbara Hunt, 2475 S. Walnut, who spoke in opposition citing needs at Hyde Park.

City Manager Hobbs and Budget Manager Smith responded to questions of Councilmember Calhoun and Acting President Castillo relative to who would maintain the park, if the original project had been completed, what the funds were originally earmarked for, and the original source of funds.

Public testimony was reopened and former Councilmember Dan Ronquillo spoke further to the background of the project and the funds that were allocated and along with Mr. Hobbs responded to additional questions of Acting President Castillo and Councilmember Dages relative to liability issues and balance of funds in District 5 and process to use them.

Councilmember Sterling stated her district was a tough district with a lot of needs, spoke to former Councilmember Ronquillo’s work and accomplishments and stated it was her duty to keep the wheels moving, and emphasized the park was needed, she would find a way to finance it without taxing the people, and made a motion to approve the amendment. President Boyajian spoke briefly to the money that has been put into District 3’s parks, schools and playgrounds stating the CDBG funds were being used.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the amendment to the FY 2001-2002 Annual Action Plan to include the Flood Basin Improvement Project hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
 Noes : None
 Absent : None

(9:30 A.M.) AUTHORIZE THE CITY MANAGER TO NEGOTIATE, EXPEDITE AND EXECUTE AN AGREEMENT FOR THE PURCHASE AND CONVEYANCE OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF S. MARKS AND W. CALIFORNIA AVENUES TO THE STATE OF CALIFORNIA FOR THE AMERICAN MILITARY VETERANS HOME

1. RESOLUTION NO. 2003-246 - ESTABLISHING PUBLIC BENEFIT FINDINGS AND APPROVING THE ACQUISITION OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF S. MARKS AND W. CALIFORNIA AVENUES TO CONVEY TO THE STATE OF CALIFORNIA FOR THE DEVELOPMENT OF A HOME FOR AMERICAN MILITARY VETERANS

Mayor Autry gave opening remarks stating this was a very exciting project, noted veterans supported the site and he supported the matter 100%, and encouraged a unanimous vote stating this made community and economic sense. Planning and Development Director Yovino gave an overview of the project and related issues at length, all as contained in the staff report as submitted, and recommended approval.

Speaking in support of the issue and/or further to the veterans home project/process/site were: George Sinopoli, Chairman, California Veterans Board; Leo Burke, Commission for Veterans Home of California Chairman and Site Selection Committee Chairman; Charles Parnell, 935 Jasmine, Clovis, Past State Commander of the American Legion/Present President of the Central Valley California Veterans Support Foundation; George Andries, Deputy Secretary in Charge of Construction of Veterans Homes in California; and Minister Paul Davis, 1190 S. Winery, #159.

Speaking to the issue and/or addressing various concerns (i.e. veterans being left “out of the loop” and need to look at other sites) were: Charles Waters, 5588 Palm Avenue, Marine Corp. League; Len Beatty, 3852 E. Austin Way, American Legion Post 509/Military Order of the Purple Heart Chapter 106 Officer/Member of Disabled American Veterans **(3 - 0)**; and Gilbert De La Pena, Senior Vice Commander for the Military Order of the Purple Heart, no address provided.

Continued speakers in support of the issue/site were: George Maness, 3388-B E. Tulare, Tulare, CA, Chair, Veterans Council of Tulare County; Bob Small, 5515 W. Menlo, 2nd Vice President, Central Valley Veterans Home Support Foundation, Central Valley Veterans Home Foundation; Anthony Sinopoli, 5033 W. Locust, Sons of American Legions; Jack Climer, Commander, American Legion Post 147/American Legion Officer; Mark Kim, Veteran, 1810 Ashcroft; and Harlan Kelly, 3378 W. Kearney Boulevard, West Fresno Concerned Citizens.

Upon question of President Boyajian, City Attorney Montoy confirmed the issue this date was authorizing the negotiation and execution of an agreement and not consideration of another site. Councilmember Calhoun stated up until last Friday he saw this project as a win-win for the City, the veterans and the developer because the developer offered to donate the land, expressed strong concern with finding out the City was now going to purchase the property and pay \$250,000 more than the fair market value, stated he would have supported the issue if fair market value was being paid, and stated staff should go back and talk to the property owners about doing the right thing and further elaborated his concerns. Mr. Yovino addressed Councilmember Calhoun’s comments stating it was staff’s opinion the long term benefits to the community far outweighed the added cost and explained, and responded to questions of Councilmember Duncan relative to whether a deadline was involved in this issue, what the return on the city’s investment would be, if prevailing wages would be paid, and what the benefit/impact would be to the surrounding area. Councilmember Duncan expressed his support stating this was the preferred site of veterans, it was “one heck of a good deal” and a fair process had been undertaken, and stated this was an exciting day for the city of Fresno and made a motion to approve staff’s recommendation (which he later seconded to let Councilmember Sterling make the motion). Councilmember Sterling commented on the issue stressing it was a win-win, it would bring in needed housing and provide an opportunity for workers to purchase low to moderate level housing in the community, and stressed this project was another advantage for District 3 and would compliment the entire community.

Acting President Castillo stated he did not dispute economic impact would far outweigh the added cost but he disputed the way the item was presented by staff in that it did not give Council the opportunity to question other sites in the vicinity as that was not made part of the agenda item, referenced a proposal from David Jessup proposing to give away 27½ acres two to three miles further from the subject site for the home and stated it was unfortunate Council could not consider it, expressed concern with paying three quarters of a million dollars on a property that a developer was supposed to purchase at a time when the State was looking to take money away from the city, and questioned the reasoning of the site selection committee. President Boyajian noted a governing board went through a process and chose the site and questioned how Council could overturn that decision, with City Attorney Montoy stating public money was involved and Council could ask for all information on the process that was undertaken and why this site was the focus of today's proposed purchase.

Extensive discussion ensued with Mr. Yovino, a site selection committee member, and City Manager Hobbs clarifying issues and responding to questions, comments and/or concerns of Acting President Castillo and Councilmembers Perea, Dages and Calhoun relative to whether the economic impact would be the same if the site selection committee had chosen the Jessup property, if the Jessup property would be more difficult to annex, property location, if the subject site was being selected because of the timeline involved, if the timeline would be thrown off if Council voted against the site because free land was available, if the \$750,000 would be well spent when free property could be obtained, the developer originally telling Council he would purchase the land and donate it, Councilmember Perea stating Council and the veterans were in a predicament because a "no" vote meant there was a real chance Fresno or the valley may not get the home, if the site selection committee would still support the site if the golf course was not built **(4 - 0)**, Councilmember Perea expressing concern with the process and stating the veterans home and Running Horse project have been linked since day one, if Rental Rehabilitation Revolving Program funds could be used for housing, what the process would be if another site were chosen, if workforce was available here for the 300 jobs, Councilmember Dages stating he did not like paying the additional cost but the good was a veterans home would be built in Fresno, it would be a turning point for southwest Fresno, and he also thought the land was going to be donated, Councilmember Duncan stating having the veterans home in Fresno should be very desirable for Council since the alternative was for it to be in the county and adding this was a critical project, and Councilmember Calhoun stating (1) staff was forcing Council to do something with little advance notice and he did not appreciate that, (2) he felt this was extortion on the part of the developer, (3) the property owner was a veteran of the World War II and he found it very surprising that he would not sell the land at fair market value, and (4) he did not think the selling price had been explored adequately and the city was stuck with an offer the developer "pulled out of the air".

Upon request of Ms. Montoy for clarification the motion makers confirmed they were moving approval of staff recommendations 1 - 4 along with the red-tag resolution of public benefit findings, Mr. Yovino confirmed staff completed the due diligence with HUD on the funding source and relative to the City pursuing the property stated staff had that in writing, and Controller Quinto confirmed once an agreement is negotiated and executed an AAR would be prepared and brought back for approval.

Relative to the criticisms leveled, Mr. Hobbs stated the city needed to seize the opportunity for the following reasons: (1) this was the preferred site of the State veterans group (adding Fresno was fortunate to be a final candidate), (2) need to jump start the southwest with potential development and this project doing that with a \$14 million a year payroll and an estimated \$7 million a year in purchase of goods and services, (3) the State had the money now for construction, (4) the community and neighborhoods supported the project; (5) there was a deadline and it needed to be dealt or risk losing the project by waiting, and (6) the cost of the land needed to be looked at as an investment that would pay the city back many times; and concluded stating he would have liked free land but a decision needed to be made now based on the money being available at the State, the thorough search by the veterans site selection group, and the fact that a deadline was in place. President Boyajian spoke in support and briefly to his involvement in the project and thanked Mr. O'Meara, Agency Director Fitzpatrick and Steve Samuelian, stated the developer had to disassociate himself from the golf course and commended him stating at least this was his idea, noted the developer has been purchasing a lot of property at higher costs because he knows how important this project is to District 3 and the city, and spoke to the need for a veterans home for veterans and their families.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the (1) acquisition of the Hayashi property hereby approved; (2) the City Manager authorized to execute a purchase agreement on the terms set forth in the Letter of Intent dated July 24, 2003; (3) the \$756,250 purchase price for the property found to be appropriate based on the public benefit identified in the Economic Impact summary; (4) upon transfer of the property to the City, the City Manager authorized to enter into an agreement substantially in the form identified in the "Agreement for Conveyance and Acceptance of Real Property" between the City and the State of California, State Board of Public Works; and (5) the above entitled Resolution No. 2003-246 hereby adopted, by the following vote:

Ayes	:	Castillo, Dages., Duncan, Perea, Sterling, Boyajian
Noes	:	Calhoun
Absent	:	None

- - - -

RECESS - 11:18 A.M. - 11:29 A.M.

(10:00 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 52, TRACT NO. 5110

- 1. RESOLUTION - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION - CALLING SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION - DECLARING ELECTION RESULTS**
- 4. * BILL - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS**

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Assistant Public Works Director Kirn gave a brief overview and advised formal annexation proceedings had not been completed and recommended the public hearing be opened and closed and staff would return with the above documents for Council action once the annexation is completed.

Upon call, no one wished to be heard and President Boyajian closed the hearing and Mr. Kirn stated the matter would be brought back after receiving confirmation from LAFCO.

- - - -

(10:15 A.M.) HEARING ON REZONE APPLICATION NO. R-03-20 AND ENVIRONMENTAL FINDINGS, FILED BY CAMBRIDGE HOMES, PROPERTY LOCATED ON THE SOUTH SIDE OF E. NEES AVENUE BETWEEN N. MAPLE AND N. CHESTNUT AVENUES (DISTRICT 6)

- 1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT (E.A.) NO. R-03-20/R-5173, FINDING OF CONFORMANCE WITH 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)**
- 2. BILL NO. B-68 - ORDINANCE NO. 2003-68 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO R-1/UGM**

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Planner Sanchez reviewed the issue as contained in the staff report as submitted.

Speaking to the issue were: applicant representative Ed Dunkel, Jr., Engineer, who advised he was present to answer any questions; and Sam Lucido, 2569 W. Lake Van Ness Circle, who stated he supported the project but had a concern with the lotting pattern and explained.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Mr. Sanchez addressed Mr. Lucido's concerns and responded to questions relative to the property's development potential.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, **RESOLVED**, the environmental finding of E.A. No. R-03-20/T-5173, dated June 24, 2003, that the project proposal conforms to the provisions of the 2025 Fresno General Plan MEIR No. 10130 hereby approved, and the above entitled Bill No. B-68 adopted as Ordinance No. 2003-68, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

- - - -

(10:30 A.M.) PRESENTATION BY LEW SOLOMON ON CLEAN AIR TRANSPORTATION ALTERNATIVES AND DIRECTION TO STAFF AS NEEDED TO EVALUATE FEASIBILITY OF OPTIONS FOR FRESNO - COUNCILMEMBER CALHOUN

Councilmember Calhoun made introductory remarks, referenced clear air efforts and stated he felt Mr. Solomon's golf cart concept was very interesting, and stated perhaps the questions contained in his report to Council could be referred to staff.

Mr. Solomon presented his concept/proposal of utilizing the vehicles to run errands near a person's home as a means of helping to clear the valley's air and explained, and stated he was willing to meet with staff on the different types of vehicles that could be used.

Councilmember Sterling thanked Mr. Solomon for his presentation and concurred everyone needed to be aggressive in the clean air effort, and Councilmember Calhoun suggested staff look into the issue and if necessary meet with Mr. Solomon. Upon question of President Boyajian, City Manager Hobs stated this was something staff could look at as an alternative form of transportation and added staff was open to all suggestions.

(11:00 A.M.) CONTESTED CONSENT CALENDAR:

(1-F) AWARD A CONTRACT TO CENTRAL VALLEY TRUCK CENTER OF FRESNO IN THE AMOUNT OF \$219,109 FOR TWO (2) CLASS 8, ASPHALT PATCH TRUCKS

Councilmember Duncan stated he had some real concerns with the cost, suggested continued use of the trucks if they are still running until priorities are developed, a city versus private sector service cost comparison is made, and costs are accounted for, and added he did not see spending \$219,000 for a couple of trucks as a high priority and made a motion to reject all bids. Councilmember Perea acknowledged times were tough but stated when times get tough with local government it is time to get back to basics -- the neighborhoods -- and he would not support the motion. Upon call, the motion died for lack of a second.

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, a contract hereby awarded to Central Valley Truck Center of Fresno in the amount of \$219,109 for two (2) class 8, asphalt patch trucks, by the following vote:

Ayes : Calhoun, Castillo, Dages, Perea, Sterling, Boyajian
 Noes : Duncan
 Absent : None

(1-K) DESIGNATING CITY MANAGER DANIEL G. HOBBS AS THE CITY VOTING DELEGATE FOR THE LEAGUE OF CALIFORNIA CITIES (LCC) ANNUAL BUSINESS MEETING ON SEPTEMBER 10, 2003

City Manager Hobbs, Councilmember Calhoun and Assistant City Manager Souza responded to questions of Acting President Castillo relative to the cost of membership in the LCC, who has attended League meetings the last two to three years, if business is conducted at meetings that affect Fresno, if the by-laws was the only issue that was going to be addressed at the annual meeting **(5 - 0)** and if any by-law changes would affect Fresno, and what Council could do to weigh-in/vote on issues addressed at League meetings. Mr. Hobbs extended an invitation for a Council member to attend the meeting with him.

On motion of acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, City Manager Daniel G. Hobbs designated the City Voting Delegate for the League of California Cities Annual Business Meeting on September 10, 2003, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
 Noes : None
 Absent : None

(6) PUBLIC COMMENT PERIOD:

(A) SCHEDULED COMMUNICATION - APPEARANCE BY ALEX URIBE TO DISCUSS A GRANDFATHER CLAUSE RELATIVE TO HIS CAR LOT AT 427 N. ABBY

Not present when called.

(B) UNSCHEDULED COMMUNICATION**PINEDALE SPECIFIC PLAN AND HIRING OF A CONSULTANT**

Councilmember Calhoun questioned if the potential FPPC issue raised by Chief Assistant City Attorney Sanchez had been taken care of with City Attorney Montoy stating she would have to look into the matter. Councilmember Calhoun stated he was very unhappy with the delay, the people of Pinedale were unhappy with him, and because the \$40,000 had been rolled over by Council action he felt this was now a Council issue. Planning & Development Director Yovino stated he had a lengthy discussion with the FPPC recently and advised he felt something could be worked out with the consultant.

- - - -

LUNCH RECESS - 12:03 P.M. - 1:38 P.M.**(1:30 P.M.) CONSIDER BUDGET RECONSIDERATIONS AND VETO OVERRIDE ITEMS**

(A) COUNCIL CONSIDERATION, RECONSIDERATION, AND OTHER ACTION AMENDING AND MODIFYING **RESOLUTION NO. 2003-211 (MASTER FEE SCHEDULE) RELATING TO FIRE DEPARTMENT INSPECTION FEES, AS REQUESTED BY MAYOR AUTRY ON JULY 10, 2003**

1. ACTION #1 - A-1 - RECONSIDER ADOPTION OF THE \$155.00 FIRE DEPARTMENT INSPECTION FEE (*IF BUSINESS DOES NOT CORRECT VIOLATION PRIOR TO RE-INSPECTION*)
2. ACTION #1 - A-2 - RECONSIDER ADOPTION OF A \$53.00 FIRE DEPARTMENT 1ST INSPECTION FEE

(B) COUNCIL CONSIDERATION, RECONSIDERATION AND OTHER ACTION AMENDING AND MODIFYING SPECIFIC LINE ITEMS OF **RESOLUTION NO. 2003-209 (ANNUAL APPROPRIATION RESOLUTION) AS REQUESTED BY MAYOR AUTRY ON JULY 10, 2003**

1. ACTION #9-B - RECONSIDER APPROPRIATING \$1.2 MILLION IN CMAQ MATCHING FUNDS TO PUBLIC WORKS CAPITAL
2. ACTION #2-B & #3 - RECONSIDER APPROPRIATING \$230,900 IN CDBG FUNDS TO THE DOWNTOWN COMMUNITY DEVELOPMENT CORPORATION PROJECT
3. ACTION #2-C - RECONSIDER APPROPRIATION \$341,000 TO CONVENTION CENTER CAPITAL IMPROVEMENT PROJECT
4. ACTION #2-D - RECONSIDER APPROPRIATING \$1,409,100 TO NEIGHBORHOOD CONCRETE AND STREET REPAIR PROJECT
5. ACTION #4-B - RECONSIDER APPROPRIATING \$300,000 TO THE ECONOMIC DEVELOPMENT CORPORATION
6. ACTION #5-B - RECONSIDER APPROPRIATING \$56,300 TO READY PROGRAM
7. ACTION #5-E - RECONSIDER APPROPRIATING \$155,300 TO THE HUMAN RELATIONS COMMISSION, WITH ONE STAFF ASSISTANT
8. ACTION #5-F - RECONSIDER FUNDING THE READY PROGRAM WITH \$37,800
 - a. ACTION #5-G - AMEND THE AAR, RECOGNIZING \$200,000 IN REVENUE FROM PROCEEDS OF SALE OF POLICE HELICOPTER, AND APPROPRIATING \$200,000 TO THE READY PROGRAM
9. ACTION #6-B - RECONSIDER APPROPRIATING \$75,200 TO THE FILM COMMISSION
10. ACTION #6-B - RECONSIDER APPROPRIATING \$25,000 TO READY PROGRAM
11. ACTION #7-B - RECONSIDER APPROPRIATING \$500,000 FOR THE DAP AND LIHP PROGRAMS
12. ACTION #8-B - RECONSIDER APPROPRIATING \$22,000 TO THE CITY MANAGER'S PUBLIC RELATIONS ACCOUNT

(C) CONSIDER COUNCIL OVERRIDE OF LINE ITEM VETOES REGARDING **RESOLUTION NO. 2003-209 (ANNUAL APPROPRIATION RESOLUTION) SUBMITTED BY MAYOR AUTRY ON JULY 10, 2003 - COUNCILMEMBER DAGES**

1. ACTION #2-A - APPROPRIATE \$2,139,000 OF NEIGHBORHOOD INFRASTRUCTURE TO FUND COUNCIL PROJECTS, DIVIDED EQUALLY AMONG THE SEVEN COUNCIL DISTRICTS
2. ACTION #4-A - APPROPRIATE \$300,000 TO THE ECONOMIC DEVELOPMENT CORPORATION CONTINGENCY (FOR LINE ITEM 53302)
3. ACTION #5-A - APPROPRIATE \$56,300 TO GENERAL CITY PURPOSE CONTINGENCY
4. ACTION #5-D - MAINTAIN HUMAN RELATIONS COMMISSION IN CITY MANAGER'S OFFICE WITH A BUDGET OF \$193,100. STAFFING TO REMAIN UNCHANGED FROM FY 2002-2003

5. ACTION #6-A - APPROPRIATE \$100,200 TO THE FIRE DEPARTMENT BUDGET (FROM UNFUNDED FILM COMMISSION)
6. ACTION #7-A - APPROPRIATE \$500,000 FROM DAP AND LIHP TO THE MINOR REHABILITATION PROGRAM
7. ACTION #8-A - APPROPRIATE \$22,000 TO THE FIRE DEPARTMENT BUDGET (FROM UNFUNDED LINE ITEM 53303 FOR PUBLIC RELATIONS AND INFORMATION IN THE CITY MANAGER' OFFICE)
8. ACTION #9-A - APPROPRIATE \$1.2 MILLION IN GENERAL FUND CONTINGENCY FOR CMAQ MATCHING FUNDS

Councilmember/Budget Committee Spokesman Perea reviewed the budget process and authorities; noted when the budget was adopted June 30th there was an imbalance of \$310,800 and advised if the recommendations of the Budget Committee are adopted this date the budget would be balanced and there was even a possibility of a \$125,700 surplus; stated there were two major issues with the committee -- the neighborhood projects and the READY Program -- and spoke to committee's concern and position on those issues; explained the process that would be followed this date; and advised the committee was recommending: (1) a "yes" vote on Items A-1 and A-2, (2) a "no" vote on Items B-1 through B-12, and (3) a "yes" vote on Items C-1, C-2, C-4, C-5, C-6 and C-8, and a "no" vote on Items C-3 and C-7.

(A) COUNCIL CONSIDERATION, RECONSIDERATION, AND OTHER ACTION AMENDING AND MODIFYING RESOLUTION NO. 2003-211 (MASTER FEE SCHEDULE) RELATING TO FIRE DEPARTMENT INSPECTION FEES, AS REQUESTED BY MAYOR AUTRY ON JULY 10, 2003

1. ACTION #1 - A-1 - RECONSIDER ADOPTION OF THE \$155.00 FIRE DEPARTMENT INSPECTION FEE (*IF BUSINESS DOES NOT CORRECT VIOLATION PRIOR TO RE-INSPECTION*)
2. ACTION #1 - A-2 - RECONSIDER ADOPTION OF A \$53.00 FIRE DEPARTMENT 1ST INSPECTION FEE

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above Items A-1 and A-2 hereby approved, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	Castillo
Absent	:	None

(B) COUNCIL CONSIDERATION, RECONSIDERATION AND OTHER ACTION AMENDING AND MODIFYING SPECIFIC LINE ITEMS OF RESOLUTION NO. 2003-209 (ANNUAL APPROPRIATION RESOLUTION) AS REQUESTED BY MAYOR AUTRY ON JULY 10, 2003

1. ACTION #9-B - RECONSIDER APPROPRIATING \$1.2 MILLION IN CMAQ MATCHING FUNDS TO PUBLIC WORKS CAPITAL
2. ACTION #2-B & #3 - RECONSIDER APPROPRIATING \$230,900 IN CDBG FUNDS TO THE DOWNTOWN COMMUNITY DEVELOPMENT CORPORATION PROJECT
3. ACTION #2-C - RECONSIDER APPROPRIATION \$341,000 TO CONVENTION CENTER CAPITAL IMPROVEMENT PROJECT
4. ACTION #2-D - RECONSIDER APPROPRIATING \$1,409,100 TO NEIGHBORHOOD CONCRETE AND STREET REPAIR PROJECT
5. ACTION #4-B - RECONSIDER APPROPRIATING \$300,000 TO THE ECONOMIC DEVELOPMENT CORPORATION
6. ACTION #5-B - RECONSIDER APPROPRIATING \$56,300 TO READY PROGRAM
7. ACTION #5-E - RECONSIDER APPROPRIATING \$155,300 TO THE HUMAN RELATIONS COMMISSION, WITH ONE STAFF ASSISTANT
8. ACTION #5-F - RECONSIDER FUNDING THE READY PROGRAM WITH \$37,800
 - a. ACTION #5-G - AMEND THE AAR, RECOGNIZING \$200,000 IN REVENUE FROM PROCEEDS OF SALE OF POLICE HELICOPTER, AND APPROPRIATING \$200,000 TO THE READY PROGRAM
9. ACTION #6-B - RECONSIDER APPROPRIATING \$75,200 TO THE FILM COMMISSION
10. ACTION #6-B - RECONSIDER APPROPRIATING \$25,000 TO READY PROGRAM
11. ACTION #7-B - RECONSIDER APPROPRIATING \$500,000 FOR THE DAP AND LIHP PROGRAMS
12. ACTION #8-B - RECONSIDER APPROPRIATING \$22,000 TO THE CITY MANAGER'S PUBLIC RELATIONS ACCOUNT

Mayor Autry stated four issues stood out -- the neighborhood infrastructure projects, the Film Commission, the READY Program, and the Downpayment Assistance Program (DAP) -- and elaborated on each issue and the importance to fund them, and urged Council to reconsider their actions and approve his requests.

Brief discussion ensued on the process and on voting on each item in B and C separately.

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to vote on each item separately failed, by the following vote:

Ayes : Calhoun, Duncan, Sterling
Noes : Castillo, Dages, Perea, *Boyajian (subsequently changed his vote to "yes")
Absent : None

Councilmember Duncan stated there was a real denial of process here and questioned how he was supposed to register a "no" vote on one item that he might not support when he might support the others, *whereupon President Boyajian changed his "no" vote to "yes" to vote on each item separately.

Upon question of Councilmember Duncan, Controller Quinto clarified the \$2.1 million in Item C-1 was correct. Councilmember Duncan stated he was saddened Council was taking the money away from the few programs the Mayor was presenting for economic development and job creation, complimented the Mayor for his attempt to compromise and find a middle ground with his Film Commission and the READY Program, and reiterated it was unfortunate the Council committee did not budge and spoke to the need to work together as a team.

City Attorney Montoy responded to questions of Councilmember Sterling relative to the difference between traditional reconsiderations and Charter reconsiderations and how they related here. Councilmember Sterling advised she received information from the Fresno Unified School District that they were implementing a program that mirrored the READY Program, stated she felt it would be best to look at Fresno Unified's program first and give it a chance to move forward and to keep the current parks' programs in place stating visible staffing was needed in parks/playgrounds in her district, and relative to the Film Commission stated her concern was detailed information was never received on the goals and what the commission was all about until Council asked for a report and further elaborated.

Upon question of Acting President Castillo, City Manager Hobbs advised the steps staff has taken to date to prepare for the State's budget crisis were: (1) \$10 million reserve for General Fund established 18 months ago; (2) last Fall directed staff to prepare 5%, 10% and 15% contingency reduction plans, (3) last Spring directed staff to prepare the '04 budget at basically '03 levels; (4) staff this year executed the Council-initiated Maximus Cost Recovery Program, (5) have taken position of no pay increases in '04 for new agreements with unions, (6) directed staff last week to update and refresh their contingency plans for budget reductions, (7) competitively bid the City's printing services which resulted in savings in-house, (8) currently outsourcing the Convention Center which will save \$6 million over 5 years, (9) currently finalizing the Commercial Solid Waste bid process which, if successful, could save \$500K to \$1 million per year, (10) actively pursuing additional initiatives through the Best Practices Committee, and (11) aggressively insisting Fresno County reassess their Prop 8 property values to reflect proper assessments. Acting President Castillo commented on various issues including the hit the City will take from the State, the city not being able to afford any new/untested/unproven programs, concern with funding proposed for the READY Program (**6 - 0**), the Friendship Games, the Mayor's Conference, Dr. Mathis, and the Film Commission yet continuing to raise fees on people, and the need for the administration to think about cost containment.

Councilmember Calhoun urged a "no vote on B-6 stating he wanted those funds go to the Trails Coalition as everyone benefitted from trials; and relative to C-3 encouraged a "yes" vote clarifying another separate vote could send \$40,000 to the Trails.

Mr. Hobbs encouraged Council to still appropriate the funds for READY stating staff was unaware of Fresno Unified's program and clarified funds would not be appropriated until the program was checked out, and relative to Acting President Castillo's comments stated he respectively disagreed with almost everything he said and he believed some statements were distortions. At Mr. Hobbs' request, Controller Quinto addressed Acting President Castillo's comment that staff has not discussed cost containment stating it was inaccurate and advised what staff has been doing..

President Boyajian stated this was a huge budget and Council was only talking about a few items; relative to the READY Program stated the City had educational liaisons that should be informing Council of Fresno Unified's program and referenced a huge document he received from Fresno Unified on all their after-school programs that he said pretty much duplicated the READY Program and questioned if the City was or was not working with Fresno Unified; and relative to the DIP and DAP programs stated it was a sellers market right now, advised private enterprise was doing the same things the City was doing and questioned why that should be duplicated, clarified there would still be \$1.1million in DIP and DAP and the money would go to low-income people, and added maybe more money will be put back in next year if the market changes.

Relative to the READY Program, Mayor Autry stated the program would not duplicate the failures of Fresno Unified's after-school programs, stressed kids were being left behind by a school system that has refused to step forward and take accountability, stated if Council kills READY based on duplication the kids will still be last in test scores because something was not working and it was affecting every single neighborhood negatively, and concluded stressing Fresno Unified did not even have anything in place until the City did.

B-1. ACTION #9-B - RECONSIDER APPROPRIATING \$1.2 MILLION IN CMAQ MATCHING FUNDS TO PUBLIC WORKS CAPITAL

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to approve reconsideration of Item B-1 failed, by the following vote:

Ayes : Calhoun, Duncan
Noes : Castillo, Dages, Perea, Sterling, Boyajian
Absent : None

B-2. ACTION #2-B & #3 - RECONSIDER APPROPRIATING \$230,900 IN CDBG FUNDS TO THE DOWNTOWN COMMUNITY DEVELOPMENT CORPORATION PROJECT

On motion of Councilmember Perea, seconded by Councilmember Dages, duly carried, RESOLVED, Item B-2 hereby rejected, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

B-3. ACTION #2-C - RECONSIDER APPROPRIATION \$341,000 TO CONVENTION CENTER CAPITAL IMPROVEMENT PROJECT

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to approve reconsideration of Item B-3 failed, by the following vote:

Ayes : Calhoun, Duncan
Noes : Castillo, Dages, Perea, Sterling, Boyajian
Absent : None

B-4. ACTION #2-D - RECONSIDER APPROPRIATING \$1,409,100 TO THE NEIGHBORHOOD CONCRETE AND STREET REPAIR PROJECT

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to approve reconsideration of Item B-4 failed, by the following vote:

Ayes : Calhoun, Duncan
Noes : Castillo, Dages, Perea, Sterling, Boyajian
Absent : None

B-5. ACTION #4-B - RECONSIDER APPROPRIATING \$300,000 TO THE ECONOMIC DEVELOPMENT CORPORATION

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to approve reconsideration of Item B-5 failed, by the following vote:

Ayes : Calhoun, Duncan
Noes : Castillo, Dages, Perea, Sterling, Boyajian
Absent : None

B-6. ACTION #5-B - RECONSIDER APPROPRIATING \$56,300 TO READY PROGRAM

A motion of Councilmember Duncan to approve reconsideration died for lack of a second.

On motion of Councilmember Calhoun, seconded by President Boyajian, duly carried, RESOLVED, Item B-6 hereby denied, by the following vote:

Ayes : Calhoun, Castillo, Dages, Perea, Sterling, Boyajian
 Noes : Duncan
 Absent : None

B-7. ACTION #5-E - RECONSIDER APPROPRIATING \$155,300 TO THE HUMAN RELATIONS COMMISSION, WITH ONE STAFF ASSISTANT

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to approve reconsideration of Item B-7 failed, by the following vote:

Ayes : Calhoun, Duncan
 Noes : Castillo, Dages, Perea, Sterling, Boyajian
 Absent : None

B-8. ACTION #5-F - RECONSIDER FUNDING THE READY PROGRAM WITH \$37,800**a. ACTION #5-G - AMEND THE AAR, RECOGNIZING \$200,000 IN REVENUE FROM PROCEEDS OF SALE OF POLICE HELICOPTER, AND APPROPRIATING \$200,000 TO THE READY PROGRAM**

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to approve reconsideration of Items B-8 and B-8a. failed, by the following vote:

Ayes : Calhoun, Duncan
 Noes : Castillo, Dages, Perea, Sterling, Boyajian
 Absent : None

B-9. ACTION #6-B - RECONSIDER APPROPRIATING \$75,200 TO THE FILM COMMISSION

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to approve reconsideration of Item B-9 failed, *due to the need for five affirmative votes*, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Boyajian
 Noes : Castillo, Dages, Perea
 Absent : None

B-10. ACTION #6-B - RECONSIDER APPROPRIATING \$25,000 TO READY PROGRAM

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to approve reconsideration of Item B-10 failed, by the following vote:

Ayes : Calhoun, Duncan
 Noes : Castillo, Dages, Perea, Sterling, Boyajian
 Absent : None

B-11. ACTION #7-B - RECONSIDER APPROPRIATING \$500,000 FOR THE DAP AND LIHP PROGRAMS

A motion of Councilmember Calhoun to approve reconsideration died for lack of a second.

On motion of Acting President Castillo, seconded by President Boyajian, duly carried, RESOLVED, Item B-11 hereby denied, by the following vote:

Ayes : Castillo, Duncan, Perea, Boyajian
 Noes : Calhoun, Dages, Sterling
 Absent : None

B-12. ACTION #8-B - RECONSIDER APPROPRIATING \$22,000 TO THE CITY MANAGER'S PUBLIC RELATIONS ACCOUNT

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to approve reconsideration of Item B-12 failed, by the following vote:

Ayes : Calhoun, Duncan
 Noes : Castillo, Dages, Perea, Sterling, Boyajian
 Absent : None

(C) CONSIDER COUNCIL OVERRIDE OF LINE ITEM VETOES REGARDING RESOLUTION NO. 2003-209 (ANNUAL APPROPRIATION RESOLUTION) SUBMITTED BY MAYOR AUTRY ON JULY 10, 2003 - COUNCILMEMBER DAGES

1. ACTION #2-A - APPROPRIATE \$2,139,000 OF NEIGHBORHOOD INFRASTRUCTURE TO FUND COUNCIL PROJECTS, DIVIDED EQUALLY AMONG THE SEVEN COUNCIL DISTRICTS

2. ACTION #4-A - APPROPRIATE \$300,000 TO THE ECONOMIC DEVELOPMENT CORPORATION CONTINGENCY (FOR LINE ITEM 53302)

3. ACTION #5-A - APPROPRIATE \$56,300 TO GENERAL CITY PURPOSE CONTINGENCY

4. ACTION #5-D - MAINTAIN HUMAN RELATIONS COMMISSION IN CITY MANAGER'S OFFICE WITH A BUDGET OF \$193,100. STAFFING TO REMAIN UNCHANGED FROM FY 2002-2003

5. ACTION #6-A - APPROPRIATE \$100,200 TO THE FIRE DEPARTMENT BUDGET (FROM UNFUNDED FILM COMMISSION)

6. ACTION #7-A - APPROPRIATE \$500,000 FROM DAP AND LIHP TO THE MINOR REHABILITATION PROGRAM

7. ACTION #8-A - APPROPRIATE \$22,000 TO THE FIRE DEPARTMENT BUDGET (FROM UNFUNDED LINE ITEM 53303 FOR PUBLIC RELATIONS AND INFORMATION IN THE CITY MANAGER' OFFICE)

8. ACTION #9-A - APPROPRIATE \$1.2 MILLION IN GENERAL FUND CONTINGENCY FOR CMAQ MATCHING FUNDS

Upon question of Councilmember Sterling, Councilmember Calhoun clarified why he was encouraging a "yes" vote on Item C-3, and City Attorney Montoy and Controller Quinto clarified where the money would go if not approved.

C-1. ACTION #2-A - APPROPRIATE \$2,139,000 OF NEIGHBORHOOD INFRASTRUCTURE TO FUND COUNCIL PROJECTS, DIVIDED EQUALLY AMONG THE SEVEN COUNCIL DISTRICTS

Relative to Item C-1 Councilmember Duncan referenced the map designating the neighborhood projects throughout the city (except District 6) and questioned if Council would still have an opportunity to work with staff on projects or if the projects planned were locked in stone, with Mr. Hobbs stating staff would consider projects determined to be worse than those identified, and questioned if the funds would be divided equally if the veto is overridden, with Mr. Hobbs responding affirmatively. Councilmember Duncan stated he would not support the override as the need was greater in the inner-city and added it was curious to him that Council would vote to defund improvements in their neighborhoods because they won't have control over where the money was going. Councilmember Perea clarified the projects were neighborhood projects and not Council projects, stressed Council would not be in this position if they had had the opportunity to work with public works staff to develop a comprehensive plan that addressed the needs of the community, reiterated his opening comments stating he hoped staff would work with each Council member next year to develop a comprehensive plan so Council does not have to go through this again, and emphasized Council knows their districts best citing the critical needs in the Hidalgo area in his district that was even mentioned in the budget.

A motion was made to override the veto on C-1. Acting President Castillo stated he agreed with Councilmember Duncan that District 6's needs were not as great as other districts and questioned if the motion could be changed (with Ms. Montoy responding), and questioned if Councilmember Dages would amend his motion to divide the funds between six districts excluding District 6, with Councilmember Dages stating he preferred the money be equally divided. Councilmember Sterling stated the status quo was eliminating some districts and she also hoped the process would change next year, and President Boyajian stated he supported dividing the money equally and added this was about Council identifying neighborhoods in their district that could be changed to make a real difference and explained.

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the Mayoral veto of Item C-1 hereby overridden, by the following vote:

Ayes : Castillo, Dates, Perea, Sterling, Boyajian
 Noes : Calhoun, Duncan
 Absent : None

C-2. ACTION #4-A - APPROPRIATE \$300,000 TO THE ECONOMIC DEVELOPMENT CORPORATION CONTINGENCY (FOR LINE ITEM 53302)

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the Mayoral veto of Item C-2 hereby overridden, by the following vote:

Ayes : Castillo, Dages, Perea, Sterling, Boyajian
 Noes : Calhoun, Duncan
 Absent : None

C-3. ACTION #5-A - APPROPRIATE \$56,300 TO GENERAL CITY PURPOSE CONTINGENCY

A motion of Councilmember Calhoun, seconded by Acting President Castillo, to approve Item C-3 failed, *due to the need for five (5) affirmative votes*, by the following vote:

Ayes : Calhoun, Castillo, Sterling, Boyajian
 Noes : Dages, Duncan, Perea
 Absent : None

C-4. ACTION #5-D - MAINTAIN HUMAN RELATIONS COMMISSION IN CITY MANAGER'S OFFICE WITH A BUDGET OF \$193,100. STAFFING TO REMAIN UNCHANGED FROM FY 2002-2003

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the Mayoral veto of Item C-4 hereby overridden, by the following vote:

Ayes : Castillo, Dages, Perea, Sterling, Boyajian
 Noes : Calhoun, Duncan
 Absent : None

C-5. ACTION #6-A - APPROPRIATE \$100,200 TO THE FIRE DEPARTMENT BUDGET (FROM UNFUNDED FILM COMMISSION) (RECONSIDERED AGAIN LATER AND VETO OVERRIDDEN)

A motion of Councilmember Dages, seconded by Acting President Castillo, to override the veto on Item C-5 failed, *due to the need for five (5) affirmative votes*, by the following vote:

Ayes : Castillo, Dages, Perea, Sterling
 Noes : Calhoun, Duncan, Boyajian
 Absent : None
 (*Reconsidered again later.*)

C-6. ACTION #7-A - APPROPRIATE \$500,000 FROM DAP AND LIHP TO THE MINOR REHABILITATION PROGRAM

On motion of Acting President Castillo, seconded by President Boyajian, duly carried, RESOLVED, the Mayoral veto of Item C-6 hereby overridden, by the following vote:

Ayes : Castillo, Duncan, Perea, Sterling, Boyajian
 Noes : Calhoun, Dages
 Absent : None

C-7. ACTION #8-A - APPROPRIATE \$22,000 TO THE FIRE DEPARTMENT BUDGET (FROM UNFUNDED LINE ITEM 53303 FOR PUBLIC RELATIONS AND INFORMATION IN THE CITY MANAGER' OFFICE)

Acting President Castillo made a motion to override the veto which was seconded by Councilmember Dages. A request was made to clarify the meaning of a "yes" vote, Councilmember Dages withdrew his second, and Ms. Montoy clarified if the veto is overridden the money would go back to the fire department and if it is not overridden the money would go to the unappropriated line item, whereupon Acting President Castillo withdrew his motion.

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to override the Mayoral veto of Item C-7 failed, by the following vote:

Ayes	:	Calhoun, Duncan
Noes	:	Castillo, Dages, Perea, Sterling, Boyajian
Absent	:	None

Upon question of Acting President Castillo, Ms. Montoy and Ms. Quinto clarified the funds were now unappropriated.

Councilmember Duncan stated he wanted to change his vote to "yes" on Item C-5 so the money would go to the fire department and the item was reconsidered after the following action.

C-8. ACTION #9-A - APPROPRIATE \$1.2 MILLION IN GENERAL FUND CONTINGENCY FOR CMAQ MATCHING FUNDS

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the Mayoral veto of Item C-8 hereby overridden, by the following vote:

Ayes	:	Castillo, Dages, Perea, Sterling, Boyajian
Noes	:	Calhoun, Duncan
Absent	:	None

C-5. ACTION #6-A - APPROPRIATE \$100,200 TO THE FIRE DEPARTMENT BUDGET (FROM UNFUNDED FILM COMMISSION) (REQUEST FOR RECONSIDERATION) (CONTINUED FROM EARLIER)

Councilmember Duncan stated the Film Commission reconsideration was defeated which freed up the money and by not overriding this veto the funds were placed into contingency and not the fire department, and made a motion to reconsider the vote so he could change his "no" vote to "yes". The motion was seconded and acted upon after brief discussion. Councilmember Calhoun stated he wanted to see the money stay unallocated, noted a lot of departments could also use the money, and stated it would not hurt to not spend money and questioned why Council would send \$100,000 some place when it has not been thought through. **(7 - 0)** Councilmembers Perea and Sterling spoke in support of the motion, and City Manager Hobbs, Ms. Quinto and Interim Fire Chief Aranaz responded to questions and comments of Councilmember Calhoun relative to whether a second set of turn-outs had been purchased, the cost and financing, the purchase of a fire truck, and the fire department "finding money from all over the place". Acting President Castillo stated if Council was serious about supporting the fire department that was where the funds should go and not on special projects. Councilmember Duncan added the needs of the fire department were enormous, the \$100,000 would not even make a minor dent in the facilities, equipment and safety level needs, and stated the money could at least help replace some of the furniture which was really dangerous.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, Item C-5 approved for reconsideration, by the following vote:

Ayes	:	Dages, Duncan, Perea, Sterling
Noes	:	Calhoun, Castillo, Boyajian
Absent	:	None

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the Mayoral veto of Item C-5 hereby overridden, with the funds to be appropriated to the fire department, by the following vote:

Ayes : Castillo, Dages, Duncan, Perea, Sterling
Noes : Calhoun, Boyajian
Absent : None

President Castillo thanked Council for their responsibility in getting these budget issues done quickly, and Acting President Castillo thanked the Council Budget Committee for all their time and work.

- - - -

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 3:11p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the ____19th____ day of ____August____, 2003.

ATTEST:

Tom Boyajian, Council President

Yolanda Salazar, Assistant City Clerk

142-47

7/29/03